

CHAPTER 111

(SB 57)

AN ACT relating to terrorism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Act of terror" means an activity that:*

1. *Involves violent acts or acts dangerous to human life that violate federal or state law;*
2. *Appears to be intended to:*
 - a. *Intimidate or coerce a civilian population;*
 - b. *Influence the policy of a government by intimidation or coercion; or*
 - c. *Affect the conduct of a government by mass destruction, assassination, or kidnapping; and*
3. *Occurs primarily within the Commonwealth; and*

(b) *"Terrorist" means a person who commits an act of terror, including a person who acts as an accessory before or after the fact, aids or abets, solicits, or conspires to commit an act of terror or who lends material support to an act of terror.*

(2) *Any person whose property or person is injured by a terrorist may file a claim for and recover damages from the terrorist.*

(3) *Any person who files an action under this section is entitled to recover three (3) times the actual damages sustained or fifty thousand dollars (\$50,000), whichever is greater, as well as court costs and attorney's fees in the trial and appellate courts if the person prevails in the claim.*

(4) *A civil action brought under this section is remedial and does not limit any other civil or criminal action provided by law. Civil remedies provided under this section are supplemental and not exclusive.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

(1) *A person is guilty of the separate offense of terrorism if conviction of the underlying offense committed would classify the person as a violent offender under KRS 439.3401(1)(a), (b), (c), or (d), or the underlying offense was an offense under KRS 527.200, 527.205, or 527.210 and the person had the intent to:*

- (a) *Intimidate the civilian population at large, or an identifiable group of the civilian population; or*
- (b) *Influence, through intimidation, the conduct or activities of the government of the United States, the Commonwealth, any other state, or any unit of local government.*

(2) *A conviction of terrorism shall be punishable by a term of imprisonment for life without benefit of probation or parole. An offense under this section is a separate offense from the underlying offense and shall not merge with other offenses.*

(3) *A person convicted under this section shall not be released on probation, shock probation, parole, conditional discharge, or any other form of conditional release.*

(4) (a) *All real and personal property used or intended for use in the course of, derived from, or realized through an offense punishable pursuant to this section shall be subject to lawful seizure and forfeiture to the Commonwealth as set forth in KRS 218A.405 to 218A.460, except that any property seized and forfeited to the Commonwealth under this section that was used in an act of terror, as defined in Section 1 of this Act, shall be held for at least five (5) years for the purposes of paying any damages awarded under Section 1 of this Act.*

(b) *Notwithstanding paragraph (a) of this subsection, any real or personal property:*

1. *Taken by a lender in good faith as collateral for the extension of credit and recorded as provided by law;*
2. *Of an owner who made a bona fide purchase of the property; or*
3. *Of a person with rightful possession of the property;*

shall not be subject to forfeiture unless the lender, owner, or person had knowledge of an offense under this section.

- (5) *Damages awarded pursuant to a successful claim under Section 1 of this Act may be paid by property lawfully seized and forfeited under this section.*

➔Section 3. This Act shall be known and may be cited as Andy's Law.

Signed by Governor April 10, 2018.